

SEALED

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK OF DISTRICT COURT
NORTHERN DIST. OF TX
FILED

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UNITED STATES OF AMERICA AND
THE STATES OF ARKANSAS,
COLORADO, ILLINOIS, INDIANA,
LOUISIANA, NEW MEXICO,
OKLAHOMA, TENNESSEE, AND
TEXAS *ex rel.* MICHAEL CARTER,

Plaintiffs,

v.

EMERGENCY STAFFING
SOLUTIONS, INC., AND HOSPITAL
CARE CONSULTANTS, INC.,

Defendants.

Civil Action No. 3:19-CV-01238-E
(Administratively Closed)

FILED IN SEALED CASE

THE UNITED STATES OF AMERICA'S DECLINATION NOTICE

1. The United States of America (United States), pursuant to 31 U.S.C. § 3730(b)(4)(B), and on behalf of itself and the States of Texas, Arkansas, Colorado, Illinois, Indiana, Louisiana, New Mexico, Oklahoma, and Tennessee (Plaintiff States), respectfully notifies the Court of its decision not to intervene in this action.
2. Although the United States and Plaintiff States are declining to intervene, the United States respectfully refers the Court to the provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), which permit a relator to maintain the action in the name of the United States; provided, however, that the "action may be dismissed only if the Court and the Attorney General give written consent to the dismissal and their reasons for

consenting.” The United States and Plaintiff States request that, should either Relator or Defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States and Plaintiff States before ruling or granting its approval of such a request.

3. The United States and Plaintiff States further request that pursuant to 31 U.S.C. § 3730(c)(3), Relator and Defendants serve all pleadings filed in this action upon the United States, and that all Orders issued by the Court also be sent to the undersigned government counsel.

4. The United States and Plaintiff States reserve their right to order any deposition transcripts and to intervene in this action, for good cause shown, at a later date pursuant to 31 U.S.C. § 3730(c)(3).

5. The United States and Plaintiff States finally request that only the Complaint, this Notice, and the Court’s accompanying Order be unsealed and served upon Defendants. The United States and Plaintiff States ask that all other materials in this matter (including, but not limited to, any applications filed by the United States and Plaintiff States for an extension of time in which to intervene) remain under seal and not be made public or served on Defendants at any time because in discussing the content and extent of the United States’ and Plaintiff States’ investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

6. A proposed Order accompanies this notice.

Respectfully submitted,

CHAD E. MEACHAM
UNITED STATES ATTORNEY

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Attorneys for the United States of America

CERTIFICATE OF SERVICE

On January 21, 2022, I filed the foregoing document with the clerk of the U.S. District Court, Northern District of Texas. I hereby certify that a copy of the foregoing notice and proposed Order were mailed, first-class, to:

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FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA AND THE
STATES OF ARKANSAS, COLORADO,
ILLINOIS, INDIANA, LOUISIANA, NEW
MEXICO, OKLAHOMA, TENNESSEE,
AND TEXAS *ex rel.* MICHAEL CARTER,

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EMERGENCY STAFFING SOLUTIONS,
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ORDER

Having reviewed the United States of America's Declination Notice, and pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4), **IT IS HEREBY ORDERED** that:

1. The Complaint in the above-referenced action shall be unsealed after the date of this Order and served upon Defendants by Relator;
2. All other contents of the Court's file in this action shall remain under seal and shall not be made public or served upon Defendant pursuant to L.R. 79.4 or otherwise, except for this Order, the Complaint, and the United States of America's Declination Notice, which Relator shall serve upon Defendants only after service of the Complaint;

3. The seal shall be lifted and all papers filed or lodged in this action after the date of this Order shall not be sealed, unless otherwise ordered by the Court;

4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States and Plaintiff States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. All orders of this Court shall be sent to the United States and Plaintiff States; and

6. Should Relator or Defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States and Plaintiff States before ruling or granting its approval.

SO ORDERED on this ___ day of _____, 2022.

Ada Brown
UNITED STATES DISTRICT JUDGE